

AMENDED IN ASSEMBLY MARCH 6, 2008

AMENDED IN ASSEMBLY JULY 16, 2007

AMENDED IN ASSEMBLY JUNE 27, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE MAY 15, 2007

## SENATE BILL

**No. 606**

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**Introduced by Senator Scott Perata**  
**(Coauthor: Senator Kuehl)**  
(Coauthors: Assembly Members Brownley and Ruskin)

February 22, 2007

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An act to ~~add Division 112.6 (commencing with Section 130650) to the Health and Safety Code, relating to pharmaceutical information; amend Section 52055.57 of, and to add Sections 52055.56 and 52055.563 to, the Education Code, relating to school district accountability, and making an appropriation therefor.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 606, as amended, ~~Scott Perata. Pharmaceutical information: clinical trial data. School district accountability.~~

*(1) Existing law establishes the Immediate Intervention/Underperforming Schools Program, which invites schools that score below the 50th percentile on certain achievement tests to participate in the program, and provides specified funding to those schools. Existing law requires the Superintendent of Public Instruction to take specified actions with regard to a school that is state-monitored under this program if the school has not met certain growth targets.*

*This bill, subject to the availability of funding, would require the Superintendent to establish a unit known as the Instructional Support and Assistance Team under the immediate direction of an appropriate county office of education and advised by a 23-member advisory board. The bill would authorize the Superintendent to request the unit to provide assistance to school districts that are in danger of being identified as program improvement local educational agencies, or have been so identified, and would also authorize the unit to provide instructional support and assistance to these local educational agencies if that assistance is requested by that agency or by the appropriate county superintendent of schools.*

*The bill would require the Superintendent to prepare an annual report containing specified information relating to local educational agencies that are subject to corrective action. The bill would require the State Board of Education to place the recommendations made by the Superintendent in this report on its agenda and to vote on these recommendations in a public meeting within 60 days of its receipt of the report. The bill would establish a procedure for the nomination and appointment of administrators, receivers, or trustees for local educational agencies discussed in this report. The bill would authorize the Superintendent to direct the advisory board established under the bill to develop a proposed matrix for adoption by the superintendent to provide updates to the Superintendent for his or her annual report on the status of student achievement in districts in which a trustee has been appointed pursuant to the bill, and would require the Superintendent to request the advisory board to establish a repository of recommended best practices classified as corrective action that shall be made available to all local educational agencies. The bill would authorize the Superintendent to contract with local educational agencies for, or otherwise provide for specified procedures, materials, and services to assist local educational agencies that are subject to program improvement.*

*(2) Existing law requires the State Department of Education to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001, and to notify those local educational agencies, in writing, of this status and provide those local educational agencies with research-based criteria to conduct a voluntary self-assessment. Under existing law, a local educational agency that is identified for corrective action under the federal No Child*

*Left Behind Act of 2001 is subject to one or more sanctions recommended by the Superintendent and approved by the state board, including a requirement to contract with a district assistance and intervention team to aid the local educational agency.*

*This bill would modify the actions required of, or sections applicable to, an identified local educational agency by, among other things, deleting the provision for the Superintendent to require that a local educational agency contract with a district assistance and intervention team and related provisions, and would instead authorize the assigning of a district team.*

*The bill would delete the requirement that implementation of these intervention provisions is subject to the availability of funding in the annual Budget Act, would delete a 2-year maximum for funding of a local educational agency under these intervention provisions, and would require that a local educational agency identified for corrective action be evaluated by the State Department of Education, and be recommended for monitoring, assistance, or sanction on the basis of the evaluated capacity of the school district to correct the conditions that led the agency to be identified, would delete authority for the allocation of funds to program improvement schools, and would make technical and conforming changes.*

*The bill would delete the requirement that an appointed receiver or trustee, under these provisions, act in the place of the county superintendent of schools or the governing board and would, instead would grant the trustee the authority to stay or rescind any action of the governing board or the superintendent of the local educational agency.*

*(3) The bill would appropriate the sum of \$18,000,000 from the Federal Trust Fund to the State Department of Education for the purposes of the bill.*

~~Existing law, the Sherman Food, Drug, and Cosmetic Law, regulates the packaging, labeling, and advertising of food, drugs, and cosmetics, under the administration of the State Department of Public Health.~~

~~This bill would require a pharmaceutical manufacturer that sells, delivers, offers for sale, or gives away pharmaceutical drugs within the state to make publicly available the results of every completed clinical trial, except a phase I trial or study used to establish bioequivalence, for that drug and an explanation of noncompletion for any clinical trial, except a phase I trial, that the manufacturer initiates or sponsors the initiation of, but does not complete.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~  
yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 52055.56 is added to the Education Code,  
2     immediately following Section 52055.55, to read:  
3     52055.56. (a) Subject to the availability of funding, the  
4     Superintendent shall establish a unit to be known as the  
5     Instructional Support and Assistance Team. The team shall consist  
6     of persons having knowledge and experience in the delivery of  
7     instructional support and services in school districts. The  
8     Superintendent may appoint employees of the department to serve  
9     on the unit. The unit shall be operated under the immediate  
10    direction of an appropriate county office of education selected by  
11    the Superintendent in consultation with the state board.  
12    (b) The unit established under subdivision (a) shall be advised  
13    by a 23-member advisory board consisting of one representative  
14    chosen by the California County Superintendents Educational  
15    Services Association from each of the 11 county service regions  
16    designated by the association, 11 superintendents of school districts  
17    chosen by the Association of California School Administrators  
18    from each of the 11 county service regions, and the Superintendent  
19    or his or her designee, who shall chair the board.  
20    (c) The Superintendent may request the unit to provide  
21    assistance to school districts that are in danger of being identified  
22    as program improvement local educational agencies, or have been  
23    so identified, as described in Section 52055.57, pursuant to the  
24    federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et  
25    seq.).  
26    (d) In addition to the functions described in subdivision (c), the  
27    unit shall provide instructional support and assistance to a local  
28    educational agency that is in danger of being identified as a  
29    program improvement local educational agency, or has been so  
30    identified, as described in Section 52055.57, pursuant to the federal  
31    No Child Left Behind Act of 2001, if that assistance is requested  
32    by the governing board of the local educational agency or the  
33    county superintendent of schools having jurisdiction over the local  
34    educational agency.

1     *SEC. 2. Section 52055.563 is added to the Education Code,*  
2     *immediately following Section 52055.56, to read:*

3     *52055.563. (a) Commencing on the operative date of the act*  
4     *that adds this section, the Superintendent shall submit an annual*  
5     *report in accordance with this article. The report required by this*  
6     *section shall include all of the following:*

7         *(1) A list of all local educational agencies identified for program*  
8         *improvement under the federal No Child Left Behind Act of 2001*  
9         *(20 U.S.C. Sec. 6301 et seq.).*

10        *(2) Recommendations, pursuant to subdivision (c) of Section*  
11        *52055.57, to the State Board of Education for each district*  
12        *identified under paragraph (1).*

13        *(3) A list of all local educational agencies that may face*  
14        *program improvement in the subsequent year.*

15        *(4) An update on student achievement in local educational*  
16        *agencies that were previously identified for program improvement*  
17        *and remain in program improvement.*

18        *(b) (1) The Superintendent may require entities authorized to*  
19        *participate under Section 52055.57 to provide information to the*  
20        *department for the purposes of this section. The annual reports*  
21        *required by this section shall be submitted to the state board, the*  
22        *Legislative Analyst Office, the Legislature, and the Department of*  
23        *Finance no later than January 1 of the appropriate year.*

24        *(2) The state board shall place the recommendations included*  
25        *in the report prepared under this section on its agenda, and vote*  
26        *on each of these recommendations at a public meeting within 60*  
27        *days of its receipt of the report.*

28        *(c) In the instances in which the Superintendent recommends,*  
29        *and the state board approves, the appointment of a trustee, the*  
30        *Superintendent shall select the candidate or candidates for trustee*  
31        *and the state board shall review and approve or disapprove the*  
32        *proposed appointment of the candidate or candidates. Once the*  
33        *state board approves the appointment of the trustee, he or she*  
34        *shall have 120 days to develop a self-assessment and plan under*  
35        *Section 52055.57 and present them to the Superintendent and the*  
36        *state board.*

37        *(d) Notwithstanding any other provision of law:*

38        *(1) No trustee shall be appointed under this section to a local*  
39        *educational agency to which Section 41329.51 is applicable.*

1     (2) *Except as set forth in paragraph (1), this article is applicable*  
2 *to any trustee of a local educational agency who has been*  
3 *appointed to assist that agency pursuant to any provision of law,*  
4 *including, but not necessarily limited to, this section.*

5     (e) *The Superintendent may direct the advisory board*  
6 *established under subdivision (b) of Section 52055.56 to develop*  
7 *a proposed matrix for adoption by the Superintendent to provide*  
8 *updates to the Superintendent for his or her annual report on the*  
9 *status of pupil achievement in districts in which a trustee has been*  
10 *appointed pursuant to this section. The matrix pursuant to this*  
11 *subdivision shall include recommendations to the Superintendent*  
12 *on the local educational agency's ability to regain control of its*  
13 *activities, and shall also develop a measure of the ability of the*  
14 *trustee to increase student achievement. The Superintendent shall*  
15 *request the advisory board to establish a repository of*  
16 *recommended best practices classified as corrective action that*  
17 *shall be made available to all local educational agencies.*

18     (f) *Subject to the availability of funding, the Superintendent may*  
19 *contract with one or more local educational agencies for, or may*  
20 *otherwise provide for, the development of any or all of the*  
21 *following:*

22     (1) *Evaluation procedures that may be used by the department*  
23 *or local educational agencies to prepare evaluations and*  
24 *self-assessments, as provided in subdivision (c) of Section*  
25 *52055.57.*

26     (2) *Programs and materials for the support and development*  
27 *of the administrative, academic, and support staff of a local*  
28 *educational agency.*

29     (3) *Materials and procedures that have been found to be*  
30 *effective in addressing the instructional needs of pupils enrolled*  
31 *in local educational agencies that are subject to program*  
32 *improvement.*

33     SEC. 3. *Section 52055.57 of the Education Code is amended*  
34 *to read:*

35     52055.57. (a) (1) *Any provisions that are applicable to local*  
36 *educational agencies under this section are for the purpose of*  
37 *implementing federal requirements under the federal No Child*  
38 *Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The*  
39 *satisfaction of these criteria by local educational agencies that*

1 choose to participate under this article shall be a condition of  
2 receiving funds pursuant to this section.

3 (2) The department shall identify local educational agencies  
4 that are in danger of being identified within two years as program  
5 improvement local educational agencies under the federal No Child  
6 Left Behind Act of 2001 (~~20 U.S.C. Sec. 6301 et seq.~~), and shall  
7 notify those local educational agencies, in writing, of this status  
8 and provide those local educational agencies with research-based  
9 criteria to conduct a voluntary self-assessment.

10 (3) The *local educational agency's* self-assessment shall identify  
11 deficiencies within the operations of the local educational agency,  
12 and the programs and services of the local educational agency.

13 (4) A local educational agency identified pursuant to paragraph  
14 (2) is encouraged to revise its local educational agency plan based  
15 on the results of the self-assessment.

16 (5) The program described in this subdivision shall be referred  
17 to as the “Early Warning Program.”

18 (b) (1) A local educational agency identified as a program  
19 improvement local educational agency under the federal No Child  
20 Left Behind Act of 2001 (~~20 U.S.C. Sec. 6301 et seq.~~) shall do all  
21 of the following:

22 (A) Conduct a self-assessment using materials and criteria based  
23 on current research and provided by the department.

24 (B) No later than 90 days after a local educational agency  
25 becomes identified for program improvement, contract with a  
26 county office of education or another external entity after working  
27 with the county superintendent of schools, for both of the following  
28 purposes:

29 (i) Verifying the fundamental teaching and learning needs in  
30 the schools of that local educational agency as determined by the  
31 local educational agency self-analysis, and identifying the specific  
32 academic problems of low-achieving pupils, including a  
33 determination of why the prior plan of the local educational agency  
34 failed to bring about increased pupil academic achievement.

35 (ii) Ensuring that the local educational agency receives intensive  
36 support and expertise to implement local educational agency reform  
37 initiatives in the revised local educational agency plan as required  
38 by the federal No Child Left Behind Act of 2001 (~~20 U.S.C. Sec.~~  
39 ~~6301 et seq.~~).

1 (C) Revise and expeditiously implement the local educational  
2 agency plan ~~of the local educational agency~~ to reflect the findings  
3 of the verified self-assessment.

4 (D) After working with the county superintendent of schools  
5 or an external verifier, ~~contract with an external provider to provide~~  
6 *arrange for external assistance with an external provider for*  
7 support, and implement recommendations to assist the local  
8 educational agency in resolving shortcomings identified in the  
9 verified self-assessment.

10 (2) (A) Subject to the availability of funds ~~in the annual Budget~~  
11 ~~Act~~ for this purpose, a local educational agency described in  
12 paragraph (1) ~~may~~ annually *may* receive fifty thousand dollars  
13 (\$50,000), plus ten thousand dollars (\$10,000) for each school that  
14 is supported by federal funds pursuant to Title I of the federal No  
15 Child Left Behind Act of 2001 ~~(20 U.S.C. Sec. 6301 et seq.)~~ within  
16 the local educational agency, for the purpose of fulfilling the  
17 requirements of this subdivision.

18 (B) Subject to the availability of funds ~~appropriated in the annual~~  
19 ~~Budget Act~~ for this purpose, a local educational agency identified  
20 as a program improvement local educational agency ~~during the~~  
21 ~~2005–06 fiscal year~~, shall receive priority for funding based upon  
22 the performance of the socioeconomically disadvantaged subgroup  
23 of the local educational agency on the Academic Performance  
24 Index. Priority for funding shall be provided to the lowest  
25 performing local educational agencies that are identified as program  
26 improvement local educational agencies. ~~It is the intent of the~~  
27 ~~Legislature that funds apportioned pursuant to this paragraph be~~  
28 ~~used to support activities identified in paragraph (1).~~

29 (C) ~~It is the intent of the Legislature that a local educational~~  
30 ~~agency identified as a program improvement local educational~~  
31 ~~agency receive no more than two years of funding pursuant to this~~  
32 ~~paragraph.~~

33 (c) ~~(1)–~~A local educational agency that has been identified for  
34 corrective action under the federal No Child Left Behind Act of  
35 2001 ~~(20 U.S.C. Sec. 6301 et seq.)~~, shall be subject to one or more  
36 ~~of the following sanctions as recommended by the Superintendent~~  
37 ~~and approved by the state board:~~ *evaluated by the department, and*  
38 *shall be recommended for monitoring, assistance, or sanction on*  
39 *the basis of the evaluated capacity of the district to correct the*



1 *conditions that led the agency to be identified and the availability*  
2 *of funding specifically appropriated for that purpose.*

3 *(1) A local educational agency that, in the judgment of the*  
4 *Superintendent, has conducted a satisfactory self-assessment,*  
5 *prepared a plan, and is making satisfactory progress towards*  
6 *improving its instructional program, shall be recommended for*  
7 *state monitoring without further intervention.*

8 *(2) A local educational agency that, in the judgment of the*  
9 *Superintendent, has conducted a self-assessment and needs*  
10 *assistance to implement the plan, or revise and implement the plan,*  
11 *may be recommended for intensive local assistance under the*  
12 *supervision of the county superintendent of schools with*  
13 *jurisdiction over the local educational agency. A local educational*  
14 *agency that is identified for intensive local assistance may be*  
15 *subject to intervention strategies upon the recommendation of the*  
16 *county superintendent.*

17 *(3) A local educational agency that, in the judgment of the*  
18 *Superintendent, has failed to conduct a satisfactory self-assessment,*  
19 *or prepare a plan, or that is unlikely to make satisfactory progress*  
20 *to correct the conditions that caused the local educational agency*  
21 *to be identified for corrective action, may be recommended for*  
22 *state intervention. A local educational agency that is recommended*  
23 *for state intervention pursuant to this paragraph may be subject*  
24 *to one or more of the following sanctions as recommended by the*  
25 *Superintendent and approved by the state board:*

26 *(A) Replacing local educational agency personnel who are*  
27 *relevant to the failure to make adequate yearly progress.*

28 *(B) Removing schools from the jurisdiction of the local*  
29 *educational agency and establishing alternative arrangements for*  
30 *the governance and supervision of those schools.*

31 *(C) Appointing, by the state board, a receiver or trustee, to*  
32 *administer the affairs with authority to stay or rescind any action*  
33 *of the governing board or the superintendent of the local*  
34 *educational agency in place of the county superintendent of schools*  
35 *and the governing board.*

36 *(D) Abolishing or restructuring the local educational agency.*

37 *(E) Authorizing pupils to transfer from a school operated by*  
38 *the local educational agency to a higher performing school operated*  
39 *by another local educational agency, and providing those pupils*  
40 *with transportation to those schools, in conjunction with carrying*

1 out not less than one additional action described under this  
2 paragraph.

3 (F) Instituting and fully implementing a new curriculum that is  
4 ~~based on~~ *instructional program consistent with* state academic  
5 content and achievement standards, including providing appropriate  
6 professional development ~~based on scientifically based research~~  
7 for all relevant staff, that offers substantial promise of improving  
8 educational achievement for ~~high-priority~~ *all* pupils.

9 (G) Deferring programmatic funds or reducing administrative  
10 funds.

11 ~~(2) In addition to the sanctions prescribed by paragraph (1), the~~  
12 ~~Superintendent may recommend, and the state board may approve,~~  
13 ~~the requirement that a local educational agency contract with a~~  
14 ~~district assistance and intervention team to aid a local educational~~  
15 ~~agency.~~

16 ~~(3) Subject to the availability of funds in the annual Budget Act~~  
17 ~~for this purpose, if the state board requires a local educational~~  
18 ~~agency to contract with a district assistance and intervention team~~  
19 ~~pursuant to paragraph (2), the local educational agency may~~  
20 ~~annually receive fifty thousand dollars (\$50,000), plus ten thousand~~  
21 ~~dollars (\$10,000) for each school that is supported by federal funds~~  
22 ~~pursuant to Title I of the federal No Child Left Behind Act of 2001~~  
23 ~~(20 U.S.C. Sec. 6301 et seq.) within the local educational agency,~~  
24 ~~for no more than two years, for the purpose of contracting with~~  
25 ~~and implementing the recommendations of the district assistance~~  
26 ~~and intervention team.~~

27 ~~(4) Not later than January 31, 2006, the Superintendent shall~~  
28 ~~develop and the state board shall approve, standards and criteria~~  
29 ~~to be applied by a district assistance and intervention team in~~  
30 ~~carrying out their duties. The standards and criteria shall include~~  
31 ~~all of the following areas:~~

32 ~~(A) Governance.~~

33 ~~(B) Alignment of curriculum, instruction, and assessments to~~  
34 ~~state standards.~~

35 ~~(C) Fiscal operations.~~

36 ~~(D) Parent and community involvement.~~

37 ~~(E) Human resources.~~

38 ~~(F) Data systems and achievement monitoring.~~

39 ~~(G) Professional development.~~

1     (H) *Assigning of a district assistance and intervention team to*  
2     *aid the local educational agency.*

3     (d) A local educational agency that has received a sanction under  
4     subdivision (c) and has not exited program improvement under  
5     the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
6     et seq.) shall appear before the state board within three years to  
7     review the progress of the local educational agency. Upon hearing  
8     testimony and reviewing written data from the local educational  
9     agency and the district assistance and intervention team or county  
10    superintendent of schools, the Superintendent shall recommend,  
11    and the state board may approve, an alternative sanction under  
12    subdivision (c), ~~or may take any appropriate action.~~

13    ~~(e) Subject to the availability of funds in the annual Budget Act~~  
14    ~~for this purpose, a local educational agency that is not identified~~  
15    ~~as a program improvement local educational agency under the~~  
16    ~~federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301~~  
17    ~~et seq.) may annually receive up to fifteen thousand dollars~~  
18    ~~(\$15,000) per school identified as a program improvement school~~  
19    ~~for the purposes of supporting schools identified as program~~  
20    ~~improvement schools in the local educational agency and~~  
21    ~~determining barriers to improved pupil academic achievement.~~  
22    ~~That local educational agency shall receive no less than forty~~  
23    ~~thousand dollars (\$40,000) and no more than one million five~~  
24    ~~hundred thousand dollars (\$1,500,000) for those purposes. The~~  
25    ~~Superintendent shall compile a list that ranks each local educational~~  
26    ~~agency based on the number of, and percentage of, schools~~  
27    ~~identified as program improvement schools and shall provide this~~  
28    ~~funding to local educational agencies equally from each list until~~  
29    ~~all funds appropriated for this purpose are depleted. These funds~~  
30    ~~shall be provided for no more than three years.~~

31    ~~(f) If there are more local educational agencies that qualify to~~  
32    ~~receive funds under subdivisions (b), (c), and (e) than the amount~~  
33    ~~appropriated for these purposes, the Superintendent may redirect~~  
34    ~~funding for the purposes of subdivision (b).~~

35    ~~(g)~~

36    (e) For purposes of this article, “local educational agency” means  
37    a school district, county office of education, or charter school that  
38    elects to receive its funding directly pursuant to Section 47651,  
39    and that provides public educational services to pupils in  
40    kindergarten or any of grades 1 to 12, inclusive.

1     ~~(h)~~

2     (f) For purposes of this section, a “stakeholder” is, but is not  
3 necessarily limited to, any of the following:

4     (1) A parent of a child attending a school within the jurisdiction  
5 of the local educational agency.

6     (2) A community partner of the local educational agency.

7     (3) An employee of the local educational agency, as selected  
8 by the bargaining unit.

9     (i)

10    (g) A local educational agency shall not receive funds pursuant  
11 to subdivision (b); *or* (c); ~~or (e)~~ if it is initially identified for  
12 program improvement or prevention after July 1, 2009.

13    *SEC. 4. Notwithstanding Section 16361 of the Government*  
14 *Code, the sum of eighteen million dollars (\$18,000,000) is hereby*  
15 *appropriated from the Federal Trust Fund to the State Department*  
16 *of Education for the purposes of this act.*

17  
18  
19     **All matter omitted in this version of the bill**  
20     **appears in the bill as amended in Assembly,**  
21     **July 16, 2007 (JR11)**  
22